

SPEECH

OF

HON. G. A. GROW, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES, MARCH 30, 1852,

ON THE HOMESTEAD BILL.

The House being in the Committee of the Whole on the state of the Union on the bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man, who is the head of a family, and citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period therein specified—

Mr. GROW said:

Mr. CHAIRMAN: The bill under consideration, though it only provides for granting to every head of a family one hundred and sixty acres of land on an actual settlement and cultivation for five years, still it involves the entire question of the proper disposition to be made of the public lands. With a domain of fourteen hundred and two thirds millions acres of unsold and unappropriated land, it becomes a grave question what is the best disposition to be made of it—whether to cede it to the States in which it lies, to be disposed of as they think proper, or for internal improvements and school purposes, or to grant it in limited quantities to the actual settler at a price barely sufficient to cover the cost of survey and transfer, with such limits and restrictions as will prevent its falling into the hands of speculators. Passing over, for the present, the first two propositions, I propose briefly to consider the latter.

The power given in the Constitution “to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States,” leaves the mode and manner of disposal entirely to the discretion of Congress; so that it becomes a question merely of sound policy and correct legislation; it is therefore the duty of Congress to exercise it in such a way as best to promote the real and permanent interests of the country.

The chief objection to granting these lands to actual settlers, and the one of seemingly greatest plausibility, is that they have been purchased by the common treasure of the country; and as each citizen has contributed his share to the purchase money, it is doing injustice to one class, who, from their circumstances in life, could not avail themselves of the benefit of the grant; for, but a small portion of those who own farms in the old States would abandon them for a home in

the West, and therefore the grant is unequal and unjust. If there be any natural impediment, or the circumstances of any man be such in life that he is unable to avail himself of the advantages of any particular act of legislation, it is his misfortune, and no fault of the law. If these lands, then, have reimbursed their entire cost, then you do no injustice to any citizen by this grant, unless it be proper for the Government still to hold them as a source of revenue.

By the report of the Secretary of the Interior, made to the last Congress, we find the aggregate receipts from the sale of the public lands, to January 1st, 1850, amounts to.....\$135,339,092 and the entire cost.....74,957,879

Leaving a net balance of receipts over expenditures of.....\$60,381,213

Which amount is made up of \$15,000,000 paid France for Louisiana; \$5,000,000 paid Spain for the Floridas; \$1,489,768 66 paid Georgia for Alabama and Mississippi; \$4,282,151 12 for Yazoo claims under Georgia; \$35,589,566 for extinguishing Indian titles; \$6,369,838 07, for surveying; \$7,466,324 19 for selling and managing—making the above sum of \$74,957,879,

And, if there be deducted from this balance the \$15,000,000 we pay Mexico for New Mexico and California, and the \$10,000,000 paid Texas in settling her boundary, and every other amount that is properly chargeable to the lands, it will still leave an excess of receipts over expenditures, if the statement of the Secretary be correct. In this calculation it is not proper to include the cost of the war of the Revolution, for that was a war waged for the rights of man and not for land; and even if it was, its cost was incurred and paid by a generation that has passed away. Nor should the cost of the war of 1812 be included; for that was a war waged in defense of the dearest rights of the American citizen, and to teach the world that he is secure against violence and wrong while under the protection of the stripes and stars.

While, then, the amount appropriated to the purchase of our domain has been reimbursed from its sales, no citizen can complain that you do him

injustice by this grant, for you take from him nothing but what you have repaid, unless it is a proper subject of taxation, and ought to be retained by the Government as a source of revenue. With equal justice and propriety, you might make the air and the sunlight a source of revenue—as well grant to certain men, if it were possible to be done, the right to bottle the atmosphere and prevent dying men from inhaling the contents unless their right is first secured by parchment—or divide the sun into quantum of rays, and dole it out to groping men according to their ability to pay. What right has Government to monopolize any of the gifts of God to man, and make them the subject of merchandise and traffic?

But even if it be proper for the Government to look to the lands as a source of revenue, what probability is there of deriving any from them for the next quarter of a century? The Secretary of the Treasury, in his annual report to the last Congress, says:

"By the various acts of Congress appropriating the public lands to objects which withdraw them from ordinary revenue purposes, it is quite certain that for several years to come the Treasury must be mainly, if not entirely, dependent for its receipts upon duties levied upon foreign merchandise. * * * * *

"The warrants yet to be presented under these acts will require 78,922,513 acres, valued at \$98,653,140. At the above average of 4,909,247 46 acres per annum, over sixteen years will be required to absorb and satisfy the warrants yet to be issued, as estimated, under the several bounty land acts now in force."

In addition to the above estimate should be added such portions of the 104,857,412.88 acres heretofore granted for the purposes denoted in the following statement as remains unsold, and consequently in the market.*

And by the land warrant assignment bill, passed a few days since, another large quantity of land is thrown into the market in the form of bounties to soldiers. So that, judging from these estimates, there is no probability of the Government deriving any revenue from the lands for years to come, for the purchaser can buy the warrant at less than the Government price. And, while the receipts from the lands are thus diminishing, the expenses of legislation relative to them are increasing. There are already before this Congress some thirty-five or forty bills asking grants of land to aid in the construction of railroads, the whole length of which is something over nine thousand miles, being almost three thousand miles greater than the entire length of all the railroads now constructed in Great Britain, and a little more than a thousand miles less than those of the United States, and requiring altogether some thirty-five millions acres of land. [See table A, p. 8.] On an average it will require at least four days to consider each of these bills, and determine the propriety of its passage. And each day's legislation costs the Government about three thousand dollars. So that near half a million of dollars will be spent this session of Congress in discussing and settling the propriety of making grants of the public lands to railroad companies, and local improvements, with still increasing demands at each subsequent session of Congress; and, while the clause of the Constitution giving the power to dispose of these lands is general in its

terms, is it correct legislation, to exercise this power in such way as to bring it in conflict with

States and Ter.	Donations and grants for schools, universities, &c.	Grants for deaf and dumb asylums.	Grants for internal improvements.	Grants to individuals and companies.	Grants for seats of govt and public buildings.	Grants for military services.	Reserved for companies, individuals, and corporations.	Swamp lands granted to States.	Central railroad grant.	Total to each State.	Acres of land in each State and Territory.	Total acres unsold and unappropriated or offered and unoffered lands, June 30, 1851.
Ohio.....	727,528	-	1,181,135.47	32,141.24	-	1,552,877.96	8,805,976.00	303,329.00	-	12,664,853.97	25,576,960	302,195.62
Indiana.....	673,357	-	1,609,861.61	843.44	2,560	787,596.61	149,102.00	981,682.00	-	21,637,760	21,637,760	1,049,680.91
Illinois.....	1,001,795	-	500,000.00	954.64	2,560	5,541,680.30	-	1,833,412.94	2,246,400	11,126,802.88	35,459,200	8,219,628.72
Missouri.....	1,232,179	-	500,000.00	-	2,560	1,409,653.20	-	1,517,387.00	-	4,701,578.20	43,123,200	26,635,829.32
Alabama.....	923,814	21,949.46	500,000.00	1,981.53	1,620	144,800.00	-	436,450.00	230,400	2,263,014.99	32,027,490	15,486,849.23
Mississippi.....	860,624	-	500,000.00	15,965.31	1,280	67,602.25	-	2,239,987.00	549,120	4,234,578.56	23,895,628	8,849,165.11
Louisiana.....	832,124	-	500,000.00	8,412.98	-	353,580.00	-	8,877,998.58	-	10,572,115.56	29,715,840	13,579,384.47
Michigan.....	1,113,477	-	500,000.00	4,080.00	13,200	271,796.97	-	4,544,189.00	-	6,446,742.97	35,995,520	20,011,143.77
Arkansas.....	932,540	2,097.43	500,000.00	139,366.25	10,600	1,342,285.31	-	4,807,673.00	-	7,734,561.99	33,406,720	22,303,746.72
Florida.....	954,583	20,924.22	500,000.00	52,114.00	6,240	31,240.00	305.75	562,170.00	-	2,127,576.97	37,931,520	32,863,518.66
Iowa.....	951,224	-	825,078.22	18,226.85	3,840	2,246,635.06	-	33,813.00	-	4,078,457.14	32,584,960	25,661,550.27
Wisconsin.....	1,004,728	-	858,400.00	5,705.82	6,400	1,715,418.17	-	1,259,269.00	-	4,849,920.99	34,511,360	24,506,294.83
California.....	-	-	500,000.00	-	-	42,440.00	-	-	-	500,000.00	120,947,840	120,447,840.00
Minnesota T.....	2,997,191	-	-	-	-	-	-	-	-	3,039,631.00	53,120,000	50,075,931.85
Oregon T.....	12,186,987	-	-	-	-	-	-	-	-	12,186,987.00	218,536,320	206,349,333.00
New Mex. T.....	7,493,120	-	-	-	-	-	-	-	-	7,493,120.00	134,876,160	127,383,040.00
Utah T.....	6,681,707	-	-	-	-	-	-	-	-	6,681,707.00	120,270,720	113,589,013.00
Northwest T.....	-	-	-	-	-	-	-	-	-	-	376,040,960	376,040,960.00
Nebraska T.....	-	-	-	-	-	-	-	-	-	-	87,488,001	87,488,000.00
Indian Ter.....	-	-	-	-	-	-	-	-	-	-	119,789,440	119,789,440.00
Total.....	40,558,978	44,971.11	8,974,475.30	279,792.07	50,860	15,507,905.83	8,955,383.75	27,397,260.52	3,025,920	104,857,412.88	1,616,935,598	1,400,632,305.48

*Statement showing the areas of the several land States and Territories, the amount of land disposed of to individuals, companies, and States, and the amount unsold and undisposed of on 30th June, 1851.

other powers of the Constitution? The power of Congress over commerce is to regulate and not create it. It may therefore improve and make safe the channels of trade that already exist; but by what right under the Constitution can Congress open entirely new avenues or channels? Is it sound policy, then, for the Government to undertake indirectly to do, under this clause, what they would not have the power to do directly? Such being the prospective condition of the revenue to be derived from the public lands, the opinion of Andrew Jackson, in his message of 1832, as to the Government embarking in a scheme of internal improvements, may well apply to the present. In opposing the policy and wisdom of such legislation he says:

"Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of

local objects, as fatal to just legislation as to the purity of public men."

The danger and expense of this kind of legislation would be avoided by granting the lands to the settler, while at the same time it would be an advantage to the new States, and add revenue to the Government by their settlement. For, from every person that you induce by this grant to settle upon the lands, you derive more revenue than you would by a sale without settlement to a speculator. You sell one hundred and sixty acres for \$200, the interest of which, at six per cent., would be twelve dollars; and that is your yearly revenue unless it be settled. Every man, however, that you induce to settle upon the public lands, by the passage of this act, you make a consumer of the articles imported into the country. And it is by your duties on imports alone, with the exception of a few millions of dollars, that the revenue for the Government is collected. The average amount of imported articles consumed by each person, for a series of years, is estimated at about seven dollars' worth.

Years ending—	Value of foreign merchandise.			Population.	Consumption, per capita.
	Imported.	Reexported.	Consumed and on hand.		
Sept. 30.....1821.....	\$65,585,724	\$21,302,488	\$41,283,236	9,960,974	\$4 14
1822.....	83,241,511	22,286,202	60,955,309	10,283,757	5 92
1823.....	77,579,267	27,543,622	50,035,645	10,606,540	4 71
1824.....	80,549,007	25,337,157	55,211,850	10,929,323	5 05
1825.....	96,340,075	32,590,643	63,749,432	11,252,106	5 66
1826.....	84,974,477	24,539,612	60,434,865	11,574,889	5 22
1827.....	79,484,068	23,403,136	56,080,932	11,897,672	4 71
1828.....	88,509,824	21,595,017	66,914,807	12,220,455	5 47
1829.....	74,492,227	16,658,478	57,834,049	12,543,238	4 61
1830.....	70,876,920	14,387,449	56,489,441	12,866,020	4 39
1831.....	103,191,124	20,033,526	83,157,598	13,286,364	6 25
1832.....	101,029,236	24,039,473	76,989,793	13,706,707	5 61
1833.....	108,118,311	19,822,735	88,295,576	14,127,050	6 25
1834.....	126,521,332	23,312,811	103,208,521	14,547,393	7 09
1835.....	149,895,742	20,504,495	129,391,247	14,967,736	8 64
1836.....	189,990,035	21,746,360	168,233,675	15,388,079	10 93
1837.....	140,989,217	21,854,962	119,134,255	15,808,422	7 53
1838.....	113,717,404	12,452,795	101,264,609	16,228,765	6 23
1839.....	162,092,132	17,494,525	144,597,607	16,649,108	8 68
1840.....	107,141,519	18,190,312	88,951,207	17,069,453	5 21
1841.....	127,946,177	15,499,081	112,447,096	17,612,507	6 38
1842.....	100,162,087	11,721,538	88,440,549	18,155,561	4 87
9 months to June 30, 1843.....	64,753,799	6,552,707	58,201,092	18,698,615	3 11
Year to June 30.....1844.....	108,435,035	11,484,867	96,950,168	19,241,670	5 03
1845.....	117,254,564	15,346,830	101,907,734	19,784,725	5 15
1846.....	121,691,797	11,346,623	110,345,174	20,327,780	5 42
1847.....	146,545,638	8,011,158	138,534,480	20,870,835	6 60
1848.....	154,998,928	21,132,315	133,866,613	21,413,890	6 25
1849.....	147,857,439	13,088,865	134,768,574	21,956,945	6 13
1850.....	178,136,318	14,951,808	163,184,510	22,500,000	7 25

Calling the average, then, consumed by each person seven dollars, and seven in a family, it would make forty-nine dollars of imported articles consumed annually by each family. And as the average of duties under the present tariff is about thirty per cent., each family of seven would pay to the Government yearly fifteen dollars—three dollars more than you derive from the same quantity of land sold to the speculator without a settlement. The true interest of the Government and the States is not the sale, but the actual settlement of these lands. It is important to the States, for thereby they increase the means of taxation as well as the means of developing their resources. By these grants you would also induce the settlement of lands that have remained a long time in market. For though they might be of poorer quality, and not in

so desirable a location as some others more remote, still there are many who would take them in preference to going further into the wilderness, though they might not be willing, or if they were, they might not be able to pay the Government price. Man is by nature attached to the scenes of his childhood and the home of his kindred; and while there is an opportunity for a comfortable location for life, he prefers to remain amid the scenes of his schoolboy days, rather than seek a home amid strangers in a strange land. By the settlement of this class of lands you would remove, in a great degree, the objection made by the land States, that the Government is a proprietor within their limits, but not subject to their jurisdiction or taxation.

But would the passage of this bill induce any person to settle upon the public lands that would

not under the present system? We often hear it said, that \$1 25 is a small price for land, and any one of any enterprise can buy a farm out of the public domain. That may be true in theory, but not in fact; for though the Government sells at \$1 25, that is not the price the settler, in most cases, has to pay. The speculator has selected the best land and most desirable locations, so that the settler must pay him an advance of two or three hundred per cent., or take an inferior location, or press still further on into the wilderness. In most cases, he prefers to pay his money and remain within the confines of civilization. But about your cities and in the densely-populated portions of the country, wherever there is a surplus population, you will find great numbers of men who are but just able to obtain a livelihood, by reason of such surplus, the tendency of which, by its constant competition, is gradually to reduce wages to the starvation point; and therefore they are unable to save from their earnings a sum sufficient to purchase a farm on the public lands and remove their family to it. They give but little thought, however, to that mode of bettering their condition, for they shrink from the trials of a border life, and they have not, and see no prospect of ever having, the means to stop short of the extreme limits of civilization; and thus they grope on in their misery, and perhaps end their days in pauperism or crime. Open your public domain, and you induce a large number of that class, and that, too, the better portion of it, to become producers of the necessities of life, instead of mere consumers; and you then place them in a condition to help support the Government, instead of as now being the means, in a greater or less degree, of abstracting from the earnings of the citizen to support your alms-houses and criminal jurisprudence. And, in addition to the amount of imports each family may consume, the market for domestic manufactures is enlarged and extended. The Secretary of the Treasury estimates that each individual consumes, annually, \$100 worth of all kinds of products, including furniture and clothing, seven of which being for imports; some thirty or forty of the remaining \$93 ought, probably, to be set apart for the purchase of articles not manufactured or produced by himself. Thus, in every family of seven you furnish an annual home market to the domestic manufacturer to the amount of some two or three hundred dollars, while they are producing the necessities of life to make the exchange with; and thus add so much to the real wealth of the nation.

But even if the Government could derive any revenue by the actual sale of the public lands, it is neither just, nor sound policy to hold them for that purpose. As long ago as 1832, General Jackson, whose sympathies were ever with the sons of toil, and whose heart was as warm as his will was stern or his intellect penetrating, said in his annual message to Congress on this subject:

"It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty." * * "To put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Though the old Hero of the Hermitage is wrapped in his shroud, he is not dead. Such men never

die. From the tomb they speak to the living. Though man's life is short and soon passes away, yet the principles that he may develop are eternal. But aside from the question of sound policy, the Government has no right founded in reason and the nature of things to make the public lands a source of revenue.

Aware, however, sir, that it is a poor place, under a one hour rule, to attempt to discuss any of the natural rights of men, for, surrounded by the authority of ages, it becomes necessary, without the time to do it, first to brush away the dust that has gathered upon their errors; yet it is well sometimes to go back of the authority of books and treatises—composed by men reared and educated under monarchical institutions, whose opinions and habits of thought consequently were more or less shaped and moulded by their influence—and examine, by the light of reason and of nature, the true foundation of Government and the inherent rights of men. For power everywhere has a tendency to augment and strengthen itself, and in this Government its dangers are twofold—one, that the Federal Government, in its centralizing tendencies, may encroach upon the reserved rights of the States; the other, which is common alike to both, is, that the Government and States, by their local and special legislation, are constantly encroaching upon the rights of the citizen.

The fundamental rights of man may be summed up in two words, Life and Happiness. The first is the gift of the Creator, and may be bestowed at his pleasure; but it is not consistent with his character for benevolence, that it should be bestowed for any other purpose than to be enjoyed, and that we call happiness. Therefore, whatever nature has provided for preserving the one, or promoting the other, belongs alike to the whole race, and each may, of right, appropriate to his own use so much as is necessary to supply his rational wants. And as the means of sustaining life are derived almost entirely from the soil, every person has a right to so much of the earth's surface as is necessary for his support. To whatever unoccupied portion of it, therefore, he shall apply his labor for that purpose, from that time forth it becomes appropriated to his own exclusive use; and whatever improvements he may make by his industry becomes his property, and subject to his disposal. For the only true foundation of any right to property is man's labor. That is property, and that alone which the labor of man has made such. What rights, then, can the Government have in the soil of a wild and uncultivated wilderness? Or what right has one man more than another to an acre of uncultivated land to which not a day nor hour's labor has been applied, to make it more productive, and answer the end for which it was created, the support and happiness of the race?

It is said by the great expounder of the common law in his Commentaries, that "there is no foundation in nature or natural law, why a set of words upon parchment should convey the dominion of land." The use and occupancy alone gives to man, in the language of the Commentaries, "an exclusive right to retain, in a permanent manner, that specific land which before belonged generally to everybody but particularly to nobody."

As it is man's labor, then, applied to the soil that gives him a right to his improvements—for by nature he is entitled to the products of his industry—so he is entitled to a reasonable quantity of

wood-land, it being necessary to the full enjoyment of his improvements; for wood is necessary for building purposes, fencing, and fire-wood. Therefore, he becomes entitled out of this common fund to a reasonable amount of wood-land, which by an implied conventional agreement among men each would be permitted to retain in his exclusive possession, as a necessary appendage to his improvements.

And to prevent conflicts, as to what portions are appropriated to each individual's use, it is necessary that his claim should be defined; and this is best done by a survey. Therefore it is proper that the settler should pay the Government the cost of survey; for the surveys as conducted by the land office is the best and most convenient mode of laying off land.

Besides, he wants his title recorded in such way as not to be compelled to rely upon the memory of men, or be exposed to the dangers of perjury. It is therefore proper that he should pay the necessary expense of the paper title, but for nothing else. As property is the only proper subject of taxation, nor should the Government look to aught else for its support, it has no right to hold the public lands as a source of revenue. It may be said, True, such would be men's rights to the soil in a state of nature; but when he entered into society, he gave up a part of his natural rights, in order to enjoy the advantages of an organized community.

This is a doctrine, I am aware, of the books and treatises on society and government; but it is a doctrine of despotism, and belongs not to enlightened statesmen in a liberal age. It is the excuse of the despot in encroaching upon the rights of the subject. He admits the encroachment, but claims that the citizen gave up part of his natural rights when he entered into society; and who is to judge what ones he relinquished but the ruling power? It was not necessary that any of man's natural rights should be yielded to the State in the formation of society. He yielded no right but the right to do wrong, and that he never had by nature. All he yielded in entering into society was a portion of his unrestrained liberty, and that was, that he would submit his conduct, that before was subject to the control of no living being, to the tribunals to be established by the State, and with the tacit consent that society, or the Government, might regulate the mode and manner of the exercise of his rights; but why should he consent to be deprived of them? It is upon this ground that we justify resistance to tyrants. And whenever the ruling power so far encroaches upon the natural rights of men that an appeal to arms becomes preferable to submission, they appeal from human to divine laws, and plead the natural rights of man in their justification. That Government, and that alone, is just which enforces and defends all of man's natural rights, and protects him against the wrongs of his fellow man.

But, it may be said, although such might be the rights of men, yet the Government has a right to these lands, and may use them as a source of revenue, under the doctrine of eminent domain. This claim by Government had its origin in the maxim, that whatever was capable of ownership must have a legal and determinate owner. Therefore, whatever was not appropriated by individuals, as it belonged in common to the whole State, was vested in the King as its head. Not only was forests, waste-grounds, and wrecks, but the

sole proprietorship of the soil of his empire; and he might grant it to his lords, and deal it out in manors to the favorites of his court. But it is not necessary for me to spend time in noticing the origin of, or the wrongs inflicted on man under this doctrine of eminent domain; for the claim of this Government, so far as this point is concerned, is embraced in the right of discovery. This is a claim, also, upon which the books vest a right to the soil in the King, or ruling power, under whose patronage land is discovered not before known to civilized man. It might be proper that a nation that has sent forth a fleet, and discovered land, should have the direction of the legislation for the government of the men who should settle it—have jurisdiction of the laws of the territory; but how can it acquire rights which man himself cannot acquire by the same process? It is a reasonable supposition, that a man is attached to the Government and institutions of his fatherland; and if the men who first discover a country were to settle in it, and enact a system of laws, the presumption is that they would be similar to those of the land of their kindred. Therefore, there is a propriety in giving to nations jurisdiction over the men and property of the country they may discover, but not a proprietorship to its soil.

It is only necessary briefly to refer to the facts and history of discoveries on this continent, to show the want of a reasonable foundation for any claims to the land itself by reason of discovery.

Spain being the first to encourage voyages of western discovery, was the first European Power to claim any rights to land on this side of the ocean. But as Columbus made his first landing on an island of the gulf stream, and saw not the main land of the continent till after it was visited by other voyagers, the right of eminent domain became divided with other nations. John and Sebastian Cabot, sailing under the auspices of England, first discovered the continent of North America, the shores of which, from Albemarle Sound to north of Nova Scotia, were afterwards explored by the latter. From that time forth Henry VII claims the proprietorship of the soil, basing his right to the land, from ocean to ocean, on the fact that the first civilized man who gazed upon a few miles of the rocky coast of New England was a subject of the British crown. And thus he becomes the sole disposer of a vast continent which his foot never pressed and his eyes never saw.

James Cartier, a native of St. Malo, lands at the inlet of Gaspe, on the shores of Canada, and erects there a shield with the Lillies of France—and henceforth a wide, tenantless territory is to be esteemed a part of the dominions of France, and subject to the royal grants of her King.

Juan Ponce de Leon plants the cross on the coast of Florida, and throwing to the breeze the castles and lions of Spain; takes possession of the country in the name of Charles the Fifth. Nineteen years later, Ferdinand de Soto gave to the world the first knowledge of the Mississippi, and sank to his grave beneath its flood. As the fruits of these discoveries, Spain claims the Floridas. Such is the origin of the rights claimed by France, England, and Spain, to the North American continent; and by conquest and parchment, this Government has taken their title to the territory now composing the United States: that of England by the Revolution and grants to colonial subjects and proprietors; of France by the cession of April 30, 1803, and of Spain by the treaty of February 22,

1819. We became vested, it is true, with all their rights, but they had nothing to convey, save that a subject of theirs was the first to discover land never before, in their own quaint language, "looked upon by Christian eyes." What kind of a foundation is that upon which to base a right affecting the happiness of man and the destiny of the race? What is there in the constitution of things, giving to one individual the sole and exclusive right to any of the bounties provided by nature for the benefit and support of the whole race, because, perchance, he was the first to look upon a mere fragment of the creation? By the same process of reasoning, he who should first discover the source or mouth of a river, would be entitled to a monopoly of the waters that flow in its channel. Or he who should first look upon one of the rills or fountains of the earth, might prevent fainting man from quenching there his thirst, unless his right was first secured by parchment. Why has this claim of man to monopolize any of the gifts of God to man been confined, by legal codes, to the soil alone? Is there any other reason than that it is a right which, having its origin in feudal times—under a system that regarded man but as an appendage of the soil that he tilled, and whose life, liberty, and happiness were but means of increasing the pleasures, pampering the passions and appetites of his lieged lord—and, having once found a place in the books, it has been retained by the reverence which man is wont to pay to the past and to time-honored precedents. The human mind is so constituted, that it is prone to regard as right what has come down to us approved by long usage and hallowed by grey age. It is a claim that had its origin with the kindred idea that royal blood flows only in the veins of an exclusive few, whose souls are more ethereal, because born amid the glitter of court, and cradled amid the pomp of lords and courtiers; and therefore they are to be installed as rulers and law-givers of the race. Most of the evils that afflict society have had their origin in violence and wrong enacted into law by the experience of the past, and retained by the prejudices of the present.

Is it not time you swept from your statute-book its still lingering relics of feudalism? wiped out the principles ingrafted upon it by the narrow-minded policy of other times, and adapted the legislation of the country to the spirit of the age, and to the true ideas of man's rights and relations to his government?

For if a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence. For these are the necessary and indispensable means for the enjoyment of his inalienable rights, of "life, liberty, and the pursuit of happiness." And is it for a Government that claims to dispense equal and exact justice to all classes of men, and that has laid down correct principles in its great chart of human rights, to violate those principles, and its solemn declarations in its legislative enactments?

The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents; and in that struggle, it needs no prophet's ken to foretell the issue. And in that struggle, is it for this Government to stretch forth its arm to aid the

strong against the weak? Shall it continue, by its legislation, to elevate and enrich idleness on the wail and the woe of industry?

For if the rule be correct as applied to governments as well as individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in your public domain. For it is not denied that Congress has the power to make any regulations for the disposal of these lands, not injurious to the general welfare. Now, when a new tract is surveyed, and you open your land office and expose it to sale, the man with the most money is the largest purchaser. The most desirable and available locations are seized upon by the capitalists of the country, who seek that kind of investment. Your settler who chances not to have a preëmption right, or to be there at the time of sale, when he comes to seek a home for himself and his family, he must pay the speculator three or four hundred per cent. on his investment, or encounter the trials and hardships of a still more remote border life. And thus, under the operation of laws that you call equal and just, you take from the settler three or four dollars per acre, and put it in the pocket of the speculator. Thus, by the operation of your law, abstracting so much of his hard earnings for the benefit of capital; for not an hour's labor has been applied to the land since it was sold by the Government, nor is it more valuable to the settler. Has not the laborer a right to complain of legislation that compels him to endure greater toils and hardships, or contribute a portion of his earnings for the benefit of the capitalist? But not upon the capitalist or the speculator is it proper that the blame should fall. Man must seek a livelihood, and do business under the laws of the country; and whatever rights he may acquire under the laws, though they may be wrong, yet the well-being of society requires that they be respected and faithfully observed. If a person engage in a business legalized and regulated by the laws, and uses no fraud or deception in its pursuit, and evils result to the community, let them apply the remedy to the proper source; that is, to the law-making power. The laws and the law-makers are responsible for whatever evils necessarily grow out of their enactments.

While the public lands are exposed to indiscriminate sale, as they have been since the organization of the Government, it opens the door to the wildest system of land monopoly—one of the direst, deadliest curses that ever paralyzed the energies of a nation, or palsied the arm of industry. It needs no lengthy dissertation to portray its evils. Its history in the Old World is written in sighs and tears. Under its influence, you behold, in England, the proudest and most splendid aristocracy, side by side with the most abject and debased people; vast manors hemmed in by hedges as a sporting-ground for her nobility, while men are dying beside the inclosure for the want of land to till. Thirty thousand proprietors hold the title-deeds to the soil of Great Britain, while in Ireland alone there are two and a half millions of tenants that own no part of the land they cultivate, nor can they ever acquire a title to a foot of it: yet they pay annually from their hard earnings \$20,000,000 to absentee landlords for the privilege of dying on their soil. Under its blighting influence you behold industry in rags, and patience in

despair. Such are some of the fruits of land monopoly in the Old World; and shall we plant its seeds in the virgin soil of the New? Our system is subject to like evils, not so great in magnitude, perhaps, but similar in kind. Let the public domain, then, be set apart as the patrimony of labor, by preventing its being absorbed by capital, and thus, instead of blessing the race, become its curse. And, while asked to grant these lands to corporations and States, in order to develop the resources of the country, and thereby add to its greatness, let us not forget in what its true greatness consists. We are pointed to the cities and villages that will spring up along the line of these improvements, as a reason why such appropriations of the land should be made. Every American will rejoice at whatever adds to the true greatness and glory of his country. But it is doubtful whether the appearances of greatness that grow up under a system of local and special legislation are to be considered as adding to the real glory of a country.

It is not a sure indication that the people of that country are most prosperous and happy in which you behold the most splendid edifices, the greatest profusion of wealth and concentration of capital. He who bases his opinion of the real happiness of a people upon such evidences alone, is equally foolish with him who, in view of a vast city, judges the condition of its inhabitants by the lofty spire and towering dome, forgetting that beneath those gorgeous structures, in damp cellars, deep in the earth, dwells the most squalid poverty, misery, and woe—while in its streets are to be seen the haggard and care-worn laborer, the over-taxed seamstress, and the child trained to beggary and to crime.

If you would raise fallen man from his degradation, elevate the servile from his groveling pursuits to the rights and dignity of men, you must first place within their reach the means for supplying their pressing physical wants, so that religion may exert its influence on the soul, and soothe the weary pilgrim in his pathway to the tomb. For it is in vain you talk of the goodness and benevolence of an Omniscient Ruler to him, whose life from the cradle to the grave, is but one continued scene of pain, misery, and want. Talk not of free agency to him whose only freedom is to choose his own method to die. In vain you entreat him to cultivate the intellect and purify the heart whose days are dragged out in procuring a morsel to sustain life, and whose last prayer, as he falls broken-hearted into his kennel of straw, is that he may never behold the light of another day. In such cases, there might, perhaps, be some feeble conception of religion and its duties—of the infinite, everlasting, and pure; but unless there be a more than common mind, they would be like the dim shadows that float in the twilight.

Riches, it is true, are not necessary to man's enjoyment; but the means to prevent starvation are. Nor is a splendid palace necessary to his real happiness; but a shelter against the storm and winter's blast is.

If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home—give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve your almshouses, close the doors of your penitentiaries, and break in pieces your gallows—purify the influences of the domestic fireside. For that is the school in which

human character is formed, and there its destiny is shaped; there the soul receives its first impress, and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a rural fireside and agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, is nourished the virtues that counteract the decay of human institutions—the courage that defends the national independence, and the industry that supports all classes of the State.

It was said by Lord Chatham, in his appeal to the House of Commons in 1775, to withdraw the British troops from Boston, that "trade, indeed, 'increases the glory and wealth of a country; but 'its true strength and stamina are to be looked for 'in the cultivators of the land. In the simplicity 'of their lives is found the simpleness of virtue, 'the integrity and courage of freedom. These 'true, genuine sons of the soil are invincible."

The history of American prowess has recorded these words as prophetic. Man, in defense of his hearth-stone and fireside, is invincible against a world of mercenaries. In battling for his home, and all that is dear to him on earth, he never was conquered save with his life. In such a struggle every pass becomes a Thermopylæ, every plain a Marathon. With an independent yeomanry scattered over your vast domain, the "young eagle" may bid defiance to the world in arms. And even though the foe should devastate your seaboard, lay in ashes its cities, they have made not one single advance towards conquering the country. For, from the interior comes up your hardy yeomanry, and with their hearts of oak and nerves of steel, they expel the invader. Their arms are the citadel of a nation's power, their hearts the bulwarks of liberty.

While but a few days since you passed, in a deficiency bill, almost two millions and a quarter of dollars for the army, and are annually called upon to appropriate still increased sums for its support, by reason, as is alleged by your adjutant general, of the increased extent of territory and line of frontier, it becomes the part of wisdom for the Government to hold out every reasonable inducement for the settlement of these lands; for thereby you place upon them a self-constituted and self-supporting army, to repel frontier attacks and foreign invasion. Every consideration of policy, then, both as to revenue to the General Government, and increased taxation to the new States, as well as a means of removing the causes of pauperism and crime in the old, demands that the public lands be granted in limited quantities to the actual settler. Every consideration of justice and humanity calls upon you to restore man to his natural rights in the soil. But there is one consideration above dollars and cents; it is a consideration that appeals to the gratitude and generosity of the American people, and to such an appeal they never yet turned a deaf ear.

You grant bounties to the soldier of the tented field. It is well. For the men who go forth at the call of their country, to uphold her standard, and vindicate her honor, are deserving of a more substantial reward than tears to the dead and thanks to the living. But there are soldiers of peace, as well as of war; and though no waving plume or floating ensign beckons them on to glory

or to death, their dying scene is oft a crimson one. They fall, leading the van of civilization along untrodden paths, and are buried in the dust of its advancing columns. No clarion's note wafts the expiring spirit from earth to heaven; no monument marks the scene of deadly strife; and no stone their resting-place. The winds, sighing through the branches of the forest, alone sing their requiem. Yet they are the meritorious men of the Republic; the men who give it strength in war, and glory in peace. From the backwoods, the workshop, and the plough, came the men who gave victory to your arms in the struggles of the Revolution; that upheld your standard amid the cane-brakes of Marion, and on the bayou of New Orleans; and that have borne it in triumph over the battle-fields of your frontiers. The achievements of your pioneer army, from the day they first drove back the Indian tribes from your Atlantic sea-board to the present hour, have been the achievements of science and civilization over the elements, the wilderness, and the savage. The settler, in search of a new home, long since o'erleaped the Alleghanies, and, having crossed the great central valley of the Mississippi, is now wending his way to the shores of the Pacific; the forest stoops, to allow the emigrant to pass; and the wilderness gives way to the tide of emigration. Only sixty-three years ago, the first white settler of Ohio pitched his tent on the bank of the Muskingum. But little more than half a century has passed away, "since this great State, with all its settlements and improvements, its mighty canals and growing population, was covered up under the canvas of a single wagon." Within the period allotted to the life of man, a State, girt with railroads and scored by canals, is in existence, five times as large, in extent of territory, as its mother, Massachusetts, and containing almost two millions of inhabitants. But the rapid growth and development of Ohio stands not alone. During the two and a quarter centuries since Jamestown and Plymouth Rock were consecrated by the exile, trace the footsteps of the pioneer, as he has gone forth to found new States, and build up new empires. In these two and a quarter centuries, from an unbroken forest, you have a country embracing almost every variety of production, and extending through almost every zone. The high regions of the North have scarcely thrown off their icy mantle, while the Southern reaper is preparing for his harvest-home. The morning sun tips your Eastern hills, while the valleys of the West repose in midnight darkness. In these two and a quarter centuries, a whole continent has been converted to the use of man, and upon its bosom has arisen the noblest empire on the globe. True, the united energy, enterprise, and industry of the entire American people have produced this vast result.

But in a new country, the first and most important labor, as it is the most difficult to be performed, is to subdue the forest, and convert the lair of the wild beast into a home for civilized man. This is the labor of your pioneer settler. His achievements, if not equally brilliant with those of the plumed warrior, are equally, if not more, lasting. His life, if not at times exposed to so great a haz-

ard, is still one of equal danger and of death. It is a life of toil and adventure, spent upon one continued battle-field, unlike that, however, on which martial hosts contend—for there the struggle is short and expected, and the victim strikes not alone, while the highest meed of ambition crowns the victor. Not so with your hardy pioneer. He is oft called upon to meet death in a struggle with fearful odds, while no herald will tell to the world of the unequal combat. Startled at the midnight hour by the war-whoop, he wakes from his dreams to behold his cottage in flames; the sharer of his joys and sorrows, with perhaps a tender infant, hurled, with rude hands, to the distant council-fire. Still, he presses on into the wilderness, snatching new areas from the wild beast, and bequeathing them a legacy to civilized man. And all he asks of his country and his Government is, to protect him against the cupidity of soulless capital, and the iron grasp of the speculator. Upon his wild battle-field these are the only foes that his own stern heart and right arm cannot vanquish. While, then, the shield of this Government is thrown over the moneyed interests of the country, fostering, by your protective laws, its associated capital, withhold not justice from the men who go forth, single-handed and alone, to subdue the forest, tame the savage and the wild beast, and prepare, in the wilderness, a home for science and a pathway for civilization.

TABLE A.

The following table presents, in a convenient form, some of the principal facts connected with railroads in the United States on the 1st of January, 1850:

States with railroads in operation, or in process of construction.	Miles of railroad completed and in operation.	Miles of railroad in course of construction.	Area of the States in square miles.	Population in 1850.	Number of inhabitants to the square mile.
Maine.....	315	127	30,000	583,188	19.44
N. Hampshire..	489	47	9,280	317,964	34.26
Vermont.....	380	59	10,212	314,120	30.76
Massachusetts..	1,089	67	7,800	994,499	127.49
Rhode Island..	50	32	1,306	147,544	112.97
Connecticut...	547	261	4,674	370,791	79.33
New York.....	1,826	745	46,000	3,097,394	67.33
New Jersey....	223	111	8,320	489,555	58.84
Pennsylvania..	1,146	774	46,000	2,311,786	50.25
Delaware.....	16	11	2,120	91,535	43.17
Maryland.....	376	125	9,356	583,035	62.31
Virginia.....	478	818	61,352	1,421,661	23.17
North Carolina.	249	385	45,000	868,903	19.30
South Carolina.	340	298	24,500	668,507	27.28
Georgia.....	754	229	58,000	905,999	15.62
Alabama.....	121	190	50,722	771,671	15.21
Mississippi....	93	273	47,156	606,555	12.86
Louisiana.....	63	-	46,431	517,739	11.15
Texas.....	-	32	237,321	212,592	.89
Tennessee.....	112	748	45,600	1,002,625	21.98
Kentucky.....	93	414	37,680	982,405	26.07
Ohio.....	828	1,892	39,964	1,980,408	49.55
Michigan.....	427	-	56,243	397,654	7.07
Indiana.....	600	915	33,809	988,416	29.23
Illinois.....	176	1,409	55,405	851,470	15.36
Missouri.....	-	515	67,380	682,043	10.12
Wisconsin.....	20	421	53,924	305,191	5.65
	10,814	10,898			

Length of railroads in Great Britain, 6,621 miles.